

Remarks

Claims 1-64 and 128 have been canceled, claims 65-73, 86-93 and 106-113 are amended herein, claims 65-127 and 129-139 are pending in the application.

I. Oath/Declaration

As requested by the Examiner, a supplemental Oath and Declaration is filed with this reply.

II. 35 U.S.C. 112, First Paragraph

Claims 65-127 and 129-139 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. (Office Action, page 2.) Applicants respectfully disagree.

Claim 65 is amended herein to recite a nucleic acid ladder comprising “at least two fragments having a size of between 1 kb and 25 kb.” Support for this amendment is found on page 14, lines 22-23. In addition, claims 66-73, 86-93 and 106-113 are amended herein, without prejudice, to recite size ranges that do not contain the term “about.”

On page 3, paragraph 8 of the Office Action, the Examiner states “Table 1 clearly shows that no fragment greater than 1.65 kb was generated.” Applicants respectfully point out that Table 1 shows that fragments up to 12 kb are produced. This can be confirmed by looking at Lane 1 of Figure 2 which shows a nucleic acid ladder of the present invention with bands up to 12 kb. As described in Example 2, these bands are generated by the partial digestion of the 12 kb repeat fragment with *BamHI*.

On page 4, paragraph 9, of the Office Action, the Examiner asserts that the fragments described in the last paragraph of page 5 of the specification are in the context of what a plasmid comprises, not the content of a composition. Applicants respectfully assert that the plasmid in question is described as and constructed for the express purpose of being digested with restriction endonucleases to yield a nucleic acid ladder with fragments of the sizes disclosed. This is confirmed by reading Examples 1-3 and viewing Lane 1 of Figure 2. Lane 1 of Figure 2 provides direct evidence that Applicants were in possession of the present invention as claimed herein.

In view of the above amendments and remarks, Applicants believe that the claims presented herein are fully supported by the specification and in compliance with the requirements of 35 U.S.C. § 112, first paragraph. Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, first paragraph.

Conclusion

Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

/Peter G. Foiles/

Peter G. Foiles
Agent for Applicants
(240) 379-4173
Registration No. 46,477

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